

Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

PROCESS FOR PRODUCING LEVODIONE

the specification of which

(check one)

☐

is attached hereto

☐

was filed on _____ as

Application Serial No. _____

and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or (f), of any foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

<u>02003968.1</u>	<u>Europe</u>	<u>22 February 2002</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

PCT/EP03/01537

(Application Serial No.)

15 February 2003

(Filing Date)

pending

(Status)

(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Stephen M. Haracz

Reg.No. 33397

Stephen J. Brown

Reg.No. 43519

Warren K. MacRae

Reg.No. 37876

Gonzalo Merino

Reg.No. 51192

Kevin C. Hooper

Reg.No. 40402

Charles Avigliano

Reg.No. 52578

ADDRESS ALL CORRESPONDENCE TO:

Stephen M. Haracz, Esq., Bryan Cave LLP, 1290 Avenue of the Americas, New York, NY 10104-3300

DIRECT ALL TELEPHONE CALLS TO:

Stephen M. Haracz - (212) 541-2000

Full name of sole or first inventor

Sakayu SHIMIZU

Inventors signature

Sakayu Shimizu

Date

September 27, 2004

Residence

Kyoto-fu 616-8212, Japan

JPX

Citizenship

Japanese

Post Office Address

6-9 Yamashita-cho, Tokiwa, Ukyo-ku, Kyoto-shi, Kyoto-fu 616-8212, Japan

Full name of second inventor

Masaru WADA

Inventors signature

masaru Wada

Date

Oct, 04, 2004

Residence

Sapporo, 065-0028, Japan

JPX

Citizenship

Japanese

Post Office Address

504-15, Hokko-jutaku, 1-3, Kita 28-jyo, Higashi 3-chome, Higashi-ku, Sapporo, 065-0028, Japan

Full name of third inventor

Inventors signature

Date

Residence

Citizenship

Post Office Address

Full name of fourth inventor

Inventors signature

Date

Residence

Citizenship

Post Office Address

(Supply similar information and signature for subsequent joint inventors)

Title 37, Code of Federal Regulations, § 1.56, duty to disclose information material to patentability (in part) provides, in part, that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The Duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.

Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.